

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, et al.,

Plaintiffs,

and

STATE OF NEBRASKA, et al.,

Plaintiff-Intervenors,

v.

UNITED STATES DEPARTMENT
OF THE INTERIOR, et al.,

Defendants.

No. 4:14-cv-00123-JHP-PJC

**DEFENDANTS' NOTICE REGARDING
PLAINTIFFS' MOTION FOR CONSOLIDATION**

Defendants United States Department of the Interior ("Interior"); S. M. R. Jewell, in her official capacity as Secretary of the Interior; the United States Fish and Wildlife Service ("FWS"); Daniel Ashe, in his official capacity as FWS's Director; Gary Frazer, in his official capacity as FWS's Assistant Director for Ecological Services; and Jontie Aldrich, in his official capacity as Acting Field Supervisor of FWS's Oklahoma Ecological Services Field Office, (collectively, "Defendants") respectfully submit this notice to clarify Defendants' position with respect to Plaintiffs' Motion for Consolidation, Docket ("Dkt.") 97 ("Consolidation Motion"). On October 15, 2014, the undersigned counsel for Defendants informed Plaintiffs' counsel that Defendants took no position as to Plaintiffs' Consolidation Motion at that time, but also reserved the right to respond after reviewing the Consolidation Motion. Having now reviewed Plaintiffs'

Consolidation Motion, Defendants intend to file a response within the prescribed time period for such filings under the Local Civil Rules. *See* LCvR 7.2(e).

Dated: October 16, 2014

Respectfully submitted,

SAM HIRSCH
Acting Assistant Attorney General
SETH M. BARSKY
Section Chief
KRISTEN L. GUSTAFSON
Assistant Section Chief
CLIFFORD E. STEVENS, JR.
Trial Attorney
DANIEL J. POLLAK
Trial Attorney

/s/ H. Hubert Yang

H. HUBERT YANG
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044-7611
Tel: (202) 305-0210
Fax: (202) 305-0275
E-mail: clifford.stevens@usdoj.gov
E-mail: hubert.yang@usdoj.gov

Of Counsel:

JOAN GOLDFARB
Attorney-Adviser
BENJAMIN JESUP
Attorney-Adviser
United States Department of the Interior
Office of the Solicitor
Branch of Fish & Wildlife
Washington, DC Headquarters

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2014, I electronically filed the foregoing Defendants' Notice Regarding Plaintiffs' Motion For Consolidation with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ H. Hubert Yang

H. HUBERT YANG

United States Department of Justice

Environment & Natural Resources Division

Wildlife & Marine Resources Section

Ben Franklin Station

P.O. Box 7611

Washington, DC 20044-7611

Tel: (202) 305-0209

Fax: (202) 305-0275

E-mail: hubert.yang@usdoj.gov

Attorney for Defendants